

THE SUPREME COURT OF WASHINGTON

DAVID LARSON,

Petitioner,

v.

SAM REED, Secretary of State,

Respondent.

NO. 7 5 8 2 3 - 9

ORDER

By a petition filed under a statute entitled “Prevention and correction of election frauds and errors,” RCW 29A.68.011,¹ petitioner David Larson seeks an order directed to Secretary of State Sam Reed. Mr. Larson, who is a candidate for King County Superior Court, asks that Secretary of State Reed, in his capacity as Chief Election Officer, be required “to remove all superior court races from the primary ballot in which only two candidates filed for a single seat” and instead to place all such races on the general election ballot. Alternatively, to avoid the problem that most county primary ballots have already been printed, Mr. Larson proposes that any primary election votes in these races either not be counted or the results not be made public.

Having considered Mr. Larson’s written argument, Secretary of State Reed’s written response, and Mr. Larson’s written reply, I conclude that Mr. Larson

¹ The statute authorizes consideration of such a petition by, inter alia, “any justice of the supreme court.”

has not identified any error or prospective error in the method by which the Secretary of State and county election officials intend to conduct the election of superior court judges, and thus that Mr. Larson has not established a ground for relief.² The statute on which Mr. Larson's argument principally depends, RCW 29A.52.220(1), by its plain terms does not apply to elections for superior court. The method that Secretary of State Reed and county election officials intend to employ is consistent with historical practice and CONST. art. IV, § 29 (amend. 41). Nor, contrary to Mr. Larson's contention, does the method deprive anyone of the right to vote for superior court judges; all registered voters may vote in the judicial and other nonpartisan parts of the primary election.

Therefore,

IT IS HEREBY ORDERED,

The petition is denied.

CHIEF JUSTICE

August ___, 2004

² The Secretary of State also contends that only county election officials would be proper respondents to Mr. Larson's petition. Given my resolution of Mr. Larson's claim on the merits, this point need not be addressed.